



General Assembly

Amendment

January Session, 2009

LCO No. 7469

SB0077207469SD0

Offered by:

SEN. SLOSSBERG, 14th Dist.

REP. SPALLONE, 36th Dist.

To: Subst. Senate Bill No. 772

File No. 188

Cal. No. 189

**"AN ACT CONCERNING THE POSTING OF PUBLIC AGENCY
MINUTES UNDER THE FREEDOM OF INFORMATION ACT."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 1-225 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The meetings of all public agencies, except executive sessions, as
6 defined in subdivision (6) of section 1-200, shall be open to the public.
7 The votes of each member of any such public agency upon any issue
8 before such public agency shall be reduced to writing and made
9 available for public inspection within forty-eight hours and shall also
10 be recorded in the minutes of the session at which taken. Within seven
11 days of the session to which such minutes refer, such minutes shall be
12 available for public inspection and, within fourteen days of such
13 session, posted on such public agency's Internet web site, if available.
14 For a period of five years from the effective date of this section, such

15 web site posting requirement shall not be deemed to apply to any
16 public agency of a municipality with a population of ten thousand or
17 fewer residents. Notwithstanding the provisions of this subsection, no
18 public agency of any municipality shall be deemed to be in violation of
19 this chapter for the failure to post minutes of such agency's sessions on
20 the Internet web site of such public agency within fourteen days of the
21 session to which such minutes refer, (1) for the period beginning
22 October 1, 2008, and ending December 31, 2009, if such public agency
23 files a notice with the town clerk of the applicable municipality
24 indicating the reason for such failure, and (2) for the period beginning
25 January 1, 2010, and ending January 1, 2011, following a vote of the
26 applicable legislative body of such municipality, if such public agency
27 files a notice with the commission describing the hardship that
28 prevents such public agency from complying with such requirement.
29 In any municipality with a town meeting form of government, such
30 vote may be made by the board of selectmen in lieu of a town meeting.
31 For informational purposes only, a copy of any notice filed with a
32 town clerk pursuant to this subsection shall be filed with the
33 commission. Nothing in this subsection shall be construed to require
34 any action by the commission on any such notice filed with the
35 commission. The commission may dismiss any complaint concerning
36 the failure to post such minutes on a public agency's web site,
37 provided such complaint was filed with the commission prior to the
38 effective date of this section. Each [such] public agency shall make,
39 keep and maintain a record of the proceedings of its meetings.

40 (b) Each such public agency of the state shall file not later than
41 January thirty-first of each year in the office of the Secretary of the
42 State the schedule of the regular meetings of such public agency for the
43 ensuing year and shall post such schedule on such public agency's
44 Internet web site, if available, except that such requirements shall not
45 apply to the General Assembly, either house thereof or to any
46 committee thereof. Any other provision of the Freedom of Information
47 Act notwithstanding, the General Assembly at the commencement of
48 each regular session in the odd-numbered years, shall adopt, as part of

49 its joint rules, rules to provide notice to the public of its regular,
50 special, emergency or interim committee meetings. The chairperson or
51 secretary of any such public agency of any political subdivision of the
52 state shall file, not later than January thirty-first of each year, with the
53 clerk of such subdivision the schedule of regular meetings of such
54 public agency for the ensuing year, and no such meeting of any such
55 public agency shall be held sooner than thirty days after such schedule
56 has been filed. The chief executive officer of any multitown district or
57 agency shall file, not later than January thirty-first of each year, with
58 the clerk of each municipal member of such district or agency, the
59 schedule of regular meetings of such public agency for the ensuing
60 year, and no such meeting of any such public agency shall be held
61 sooner than thirty days after such schedule has been filed.

62 (c) The agenda of the regular meetings of every public agency,
63 except for the General Assembly, shall be available to the public and
64 shall be filed, not less than twenty-four hours before the meetings to
65 which they refer, (1) in such agency's regular office or place of
66 business, and (2) in the office of the Secretary of the State for any such
67 public agency of the state, in the office of the clerk of such subdivision
68 for any public agency of a political subdivision of the state or in the
69 office of the clerk of each municipal member of any multitown district
70 or agency. For any such public agency of the state, such agenda shall
71 be posted on the public agency's and the Secretary of the State's web
72 sites. Upon the affirmative vote of two-thirds of the members of a
73 public agency present and voting, any subsequent business not
74 included in such filed agendas may be considered and acted upon at
75 such meetings.

76 (d) Notice of each special meeting of every public agency, except for
77 the General Assembly, either house thereof or any committee thereof,
78 shall be posted not less than twenty-four hours before the meeting to
79 which such notice refers on the public agency's Internet web site, if
80 available, and given not less than twenty-four hours prior to the time
81 of such meeting by filing a notice of the time and place thereof in the
82 office of the Secretary of the State for any such public agency of the

83 state, in the office of the clerk of such subdivision for any public
84 agency of a political subdivision of the state and in the office of the
85 clerk of each municipal member for any multitown district or agency.
86 The secretary or clerk shall cause any notice received under this section
87 to be posted in his office. Such notice shall be given not less than
88 twenty-four hours prior to the time of the special meeting; provided, in
89 case of emergency, except for the General Assembly, either house
90 thereof or any committee thereof, any such special meeting may be
91 held without complying with the foregoing requirement for the filing
92 of notice but a copy of the minutes of every such emergency special
93 meeting adequately setting forth the nature of the emergency and the
94 proceedings occurring at such meeting shall be filed with the Secretary
95 of the State, the clerk of such political subdivision, or the clerk of each
96 municipal member of such multitown district or agency, as the case
97 may be, not later than seventy-two hours following the holding of such
98 meeting. The notice shall specify the time and place of the special
99 meeting and the business to be transacted. No other business shall be
100 considered at such meetings by such public agency. In addition, such
101 written notice shall be delivered to the usual place of abode of each
102 member of the public agency so that the same is received prior to such
103 special meeting. The requirement of delivery of such written notice
104 may be dispensed with as to any member who at or prior to the time
105 the meeting convenes files with the clerk or secretary of the public
106 agency a written waiver of delivery of such notice. Such waiver may be
107 given by telegram. The requirement of delivery of such written notice
108 may also be dispensed with as to any member who is actually present
109 at the meeting at the time it convenes. Nothing in this section shall be
110 construed to prohibit any agency from adopting more stringent notice
111 requirements.

112 (e) No member of the public shall be required, as a condition to
113 attendance at a meeting of any such body, to register the member's
114 name, or furnish other information, or complete a questionnaire or
115 otherwise fulfill any condition precedent to the member's attendance.

116 (f) A public agency may hold an executive session, as defined in

117 subdivision (6) of section 1-200, upon an affirmative vote of two-thirds
118 of the members of such body present and voting, taken at a public
119 meeting and stating the reasons for such executive session, as defined
120 in section 1-200.

121 (g) In determining the time within which or by when a notice,
122 agenda, record of votes or minutes of a special meeting or an
123 emergency special meeting are required to be filed under this section,
124 Saturdays, Sundays, legal holidays and any day on which the office of
125 the agency, the Secretary of the State or the clerk of the applicable
126 political subdivision or the clerk of each municipal member of any
127 multitown district or agency, as the case may be, is closed, shall be
128 excluded.

129 Sec. 2. Section 1-2 of the general statutes is repealed and the
130 following is substituted in lieu thereof (*Effective October 1, 2009*):

131 Each provision of the general statutes, the special acts or the charter
132 of any town, city or borough which requires the insertion of an
133 advertisement of a legal notice in a daily newspaper shall be construed
134 to permit such advertisement to be inserted in a daily or weekly
135 newspaper; but this section shall not be construed to reduce or
136 otherwise affect the time required by law for giving such notice. For
137 any requirement for the insertion of an advertisement of a legal notice
138 by a town, city or borough, the legal notice may be posted in a
139 conspicuous place on the town's, city's or borough's web site in lieu of
140 insertion of such advertisement in a daily or weekly newspaper,
141 provided such town, city or borough, regardless of population,
142 complies with the web site posting requirement contained in section 1-
143 225, as amended by this act. Any such legal notice posted on a town's,
144 city's or borough's web site shall indicate the date such notice is first
145 posted on such web site. Whenever notice of any action or other
146 proceeding is required to be given by publication in a newspaper,
147 either by statute or order of court, the newspaper selected for that
148 purpose, unless otherwise expressly prescribed, shall be one having a
149 substantial circulation in the town in which at least one of the parties,

150 for whose benefit such notice is given, resides."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-225
Sec. 2	<i>October 1, 2009</i>	1-2